

**TEMPORARY DISPOSAL EASEMENT DEED**

THE GRANTOR, City of Everett, a municipal corporation of Washington State, for and in consideration of the dredge material being deposited upon Grantor's property as permitted by this easement and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, conveys and warrants to the Grantee, Port of Everett, a political subdivision of the State of Washington, its successors and assigns, a temporary and assignable easement and right-of-way in, on, over, and across the land described in Exhibit "A", hereinafter the "Easement Area" for the purpose of depositing and disposal of dredge material excavated from the Snohomish River Channel and to perform any other work necessary and incident to the construction of the Everett Harbor and Snohomish River Projects, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures or obstacles, within the limits of the Easement Area; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

The Grantee may authorize use of this easement by the U.S. Army Corps of Engineers.

This easement is for an initial period of two years, commencing on December 17, 2017, and terminating on December 31, 2019, and may be extended for additional two year periods by mutual written agreement of the Grantor and Grantee.

Upon termination of this easement, Grantee shall leave the Easement Area in a level, rough-graded condition, and shall remove all equipment, debris, and other materials (except for dredged material) from the Easement Area.

Dated this 18<sup>th</sup> day of August, 2017.

Ray Stephanson  
RAY STEPHANSON, MAYOR

ATTEST:

Charon Tulle  
City Clerk

APPROVED AS TO FORM:

James D. Lee  
City Attorney

STATE OF WASHINGTON                    )  
  ) ss  
County of Snohomish                    )

On this 18<sup>th</sup> day of August, 2017, before me the undersigned, a Notary Public for the State of Washington, personally appeared Ray Stephanson, to me known to be the duly elected and qualified Mayor of the City of Everett and is authorized to execute the within instrument on behalf of said municipal corporation and acknowledged said instrument as the free and voluntary act of the corporation for the uses and purposes mentioned therein.

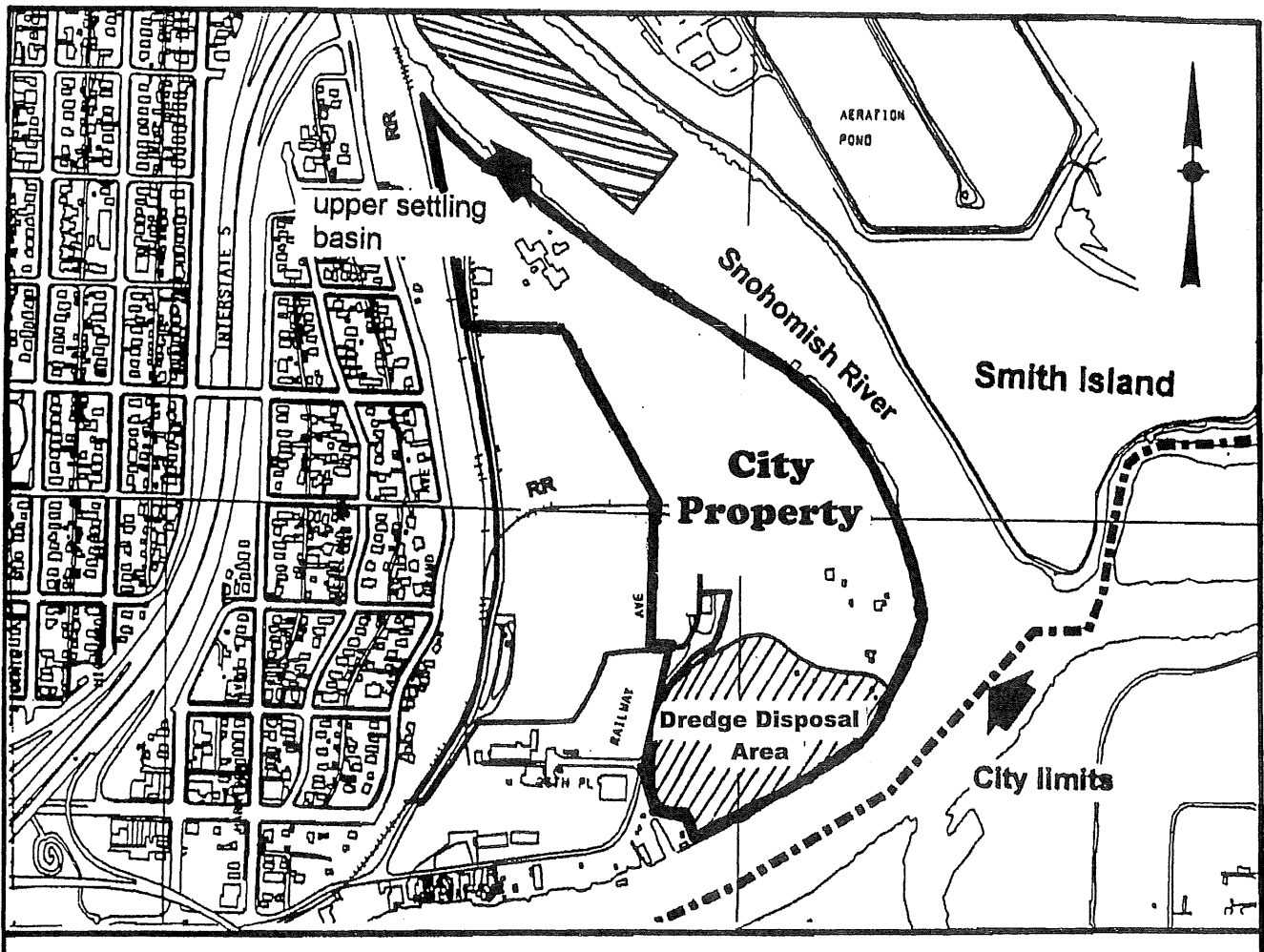
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.



Notary Seal

Mariette Maychrzak  
Notary Public for the State of Washington  
Residing at: MARYSVILLE, WA  
My Commission expires: MAY 19, 2018

**Exhibit "A"**  
**Temporary Disposal Easement Deed**



*Agreement*

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

#14

**PROJECT TITLE:**

Temporary Easement to Port of  
Everett for disposal of  
Snohomish River dredge  
material onto City property

Consent  
Action  
First Reading  
Second Reading  
Third Reading  
Public Hearing  
Briefing

**COUNCIL BILL #**

Originating Department

Contact Person

Phone Number

FOR AGENDA OF

Facilities/Real Property

Mike Palacios

425-257-8938

August 9, 2017

Initialed by:

Department Head

CAA

Council President

*db*  
*JR*

**Location**

4000 Railway  
Avenue

**Preceding Actions**

Temporary Disposal Easement for 10-year  
period – December 12, 2007

**Attachments**

Easement

**Department(s) Approval**

Utilities, Real Property,  
Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

**DETAILED SUMMARY STATEMENT:**

On December 12, 2007, Council approved a temporary easement allowing the Port of Everett to place clean dredge material from the Corps of Engineers-maintained Snohomish River Channel onto City property at the end of Railway Avenue for a duration of 10 years.

The current temporary easement will expire on December 17, 2017, and the Port and City desire to extend it. Past dredge materials have been used for a variety of public projects, including but not limited to, near-shore restoration of areas along Port Gardner Bay; on-going fairway maintenance material for Walter E. Hall and Legion golf courses; and fill material for City and Port construction projects.

The temporary easement is for an initial period of approximately two years, commencing on December 17, 2017, and terminating on December 31, 2019. It may be extended for additional two year periods by mutual agreement.

**RECOMMENDATION** (Exact action requested of Council):

Authorize Mayor to sign the Temporary Easement to Port of Everett for disposal of Snohomish River dredge material onto City property.

*Council approved  
8-9-17  
J.P.*